

**Remarks**

This application has been carefully reviewed in light of the Office Action dated July 9, 2008. Claims 14 and 17 to 29 remain in the application, of which claims 14, 21, 25 and 29 are the independent claims currently under consideration. Reconsideration and further examination are respectfully requested.

***Claim Rejections – 35 USC § 103***

Claims 14 and 17-29 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,621,723 (“Walton”) further in view of U.S. Patent No. 4,222,115 (“Cooper”) further in view of U.S. Patent No. 5,930,706 (“Raith”). Reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 14 is directed to a method in a base station comprising receiving from a single remote station a reverse link signal that comprises a plurality of subchannel signals, independently adjusting transmit powers of more than one of said plurality of subchannel signals to different levels by generating power control messages for adjusting the transmit powers of more than one of said plurality of subchannel signals, and comparing a frame error rate of each of said subchannel signals with a frame error rate threshold for said generating said power control messages.

None of the applied references, taken either alone or in combination, is seen to disclose or suggest at least the features of receiving from a single remote station a reverse link signal that comprises a plurality of subchannels and independently adjusting transmit powers of more than one of the plurality of subchannels signals to different levels by generating power control messages for adjusting the transmit powers of more than one of said plurality of subchannel signals.

Walton is seen to be generally directed to power control on the reverse link of a CDMA network. As read by Applicants, Walton teaches eight reverse packet data channels associated with different data rates that are supported in a packet data network. Walton, col. 3, ll. 31-40. Walton also teaches that a mobile unit determines a reverse link data rate based on its power class and estimated power margin, and selects the reverse packet data channel corresponding to the maximum data rate which the link can support. Walton, col. 3, ll. 22-30. Thus, the mobile unit of Walton determines a data rate and selects one of the reverse link data channels for transmission to the base station based on the data rate determination. Walton does not teach or suggest the reverse link data channel transmitted by the mobile unit comprising a plurality of subchannel signals. As a result, Walton does not teach or suggest the feature of receiving from a single remote station a reverse link signal that comprises a plurality of subchannel signals. Since Walton fails to teach or suggest receiving the reverse link signal of claim 14, Walton also does not teach or suggest independently adjusting transmit powers of more than one of the plurality of subchannels signals of the reverse link signal to different levels.

Neither Cooper nor Raith are seen to remedy the foregoing deficiencies of Walton. Cooper was cited by the Office Action for its alleged disclosure of "more than one subchannel." However, as read by the Applicants, Cooper does not teach or suggest receiving from a single remote station a reverse link signal that comprises a plurality of subchannel signals, and therefore fails to remedy the same deficiency in Walton. The passage of Cooper (col. 4, ll. 16-29) cited by the Office Action discloses dividing the available band of frequencies in a cellular mobile communication system into two portions: one portion for carrying downstream (base-station-to-mobile) messages and the other portion for carrying upstream (mobile-to-base station) messages. Cooper, col. 4, ll. 16-23. However, dividing the available band of frequencies in a

communication system into two portions and allocating one portion for carrying downstream messages in the communication system and the other portion for carrying upstream messages in the communication system does not teach or suggest receiving from a single remote station a reverse link signal that comprises a plurality of subchannel signals. Since Cooper fails to teach or suggests receiving the reverse link signal of claim 1, Cooper also does not teach or suggest independently adjusting transmit powers of more than one of the plurality of subchannels signals of the reverse link signal to different levels.

Raith, which was cited by the Office Action for its alleged disclosure of the power control message being based on a frame error rate, fails to remedy the above deficiencies of Walton and Cooper. More particularly, Raith fails to disclose or suggest the features of receiving from a single remote station a reverse link signal that comprises a plurality of subchannel signals and independently adjusting transmit powers of more than one of the plurality of subchannels signals to different levels by generating power control messages for adjusting the transmit powers of more than one of said plurality of subchannel signals.

For at least the reasons above, Applicants believe that claim 1 is allowable over the applied references and respectfully request that the rejection of claim 1 be withdrawn.

Independent claims 21, 25 and 29 includes features similar to those of claim 1, and are believed to also be allowable over the applied references for at least the reasons given for claim 1.

The other claims currently under consideration in the application are dependent from the independent claims discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claims is deemed to define an

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addition aspect of the invention, however, the individual consideration of each on its own merits  
is respectfully requested.

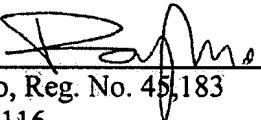
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***CONCLUSION***

In light of the amendments and remarks contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested. Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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